

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT VICKERY,

Plaintiff,

vs.

PATRICIA CARUSO, *et al.*,

Defendants.

Case No. 07-13419

George Caram Steeh
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

ORDER DENYING
“MOTION TO ENACT STATEMENT COMPLAINT” (Dkt. 64)

Plaintiff, Robert Vickery, a prisoner in the custody of the State of Michigan, filed this lawsuit on August 16, 2007. (Dkt. 1). In that complaint, plaintiff seeks damages against Correctional Medical Services (CMS), two CMS physicians (Dr. Ann Burton and Dr. Jan Goldberger), and two employees (CTO Allwood and Director Patricia Caruso) of the Michigan Department of Corrections (MDOC), based on allegations that he was denied certain federal constitutional rights.

On October 7, 2008, plaintiff filed a pleading with the Court entitled “Motion to Enact State Complaint of ‘Gross Negligence’ and ‘Negligent Operation’ of a State Vehicle Against Michigan Department of Corrections Transport Officer Russell Allwood.” (Dkt. 64). The relief sought by plaintiff is

unclear, however, this motions appears to be some attempt to amend plaintiff's complaint, which already contains a fairly lengthy description of the allegations against defendant Allwood.

To amend his complaint, plaintiff must obtain leave of the Court, or a stipulation from all parties in this case. Fed.R.Civ.P. 15. Since plaintiff has not filed any stipulation, leave of the Court is required. Plaintiff's motion, however, fails to comply with Local Rule 15.1, which requires that "[a]ny amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must ... reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference."

Based on plaintiff's failure to comply with Local Rule 15.1, his "Motion to Enact State Complaint," which the Court is treating as a motion to amend the complaint, is **DENIED**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the

Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: October 10, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Ronald W. Chapman, Kimberly A. Koester, and Mark V. Schoen, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Robert Vickery, # 324695, Saginaw Correctional Facility, 9625 Pierce Rd., Freeland, MI 48623.

s/James P. Peltier
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